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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 **BOARD OF TRUSTEES OF THE**
 14 **CONSTRUCTION INDUSTRY AND**
 15 **LABORERS HEALTH AND WELFARE**
 16 **TRUST; THE BOARD OF TRUSTEES OF**
 17 **THE CONSTRUCTION INDUSTRY AND**
 18 **LABORERS JOINT PENSION TRUST; THE**
 19 **BOARD OF TRUSTEES OF THE**
 20 **CONSTRUCTION INDUSTRY AND**
 21 **LABORERS SAVINGS TRUST; and THE**
 22 **BOARD OF TRUSTEES OF THE**
 23 **SOUTHERN NEVADA LABORERS**
 24 **LOCAL 872 TRAINING TRUST,**

25 **Plaintiffs,**

26 **v.**

27 **THE TIBERTI COMPANY, LLC dba Tiberti**
 28 **Fence Co., a Nevada limited liability**
company,

29 **Defendant.**

30 **CASE NO.: 2:24-cv-01461-RFB-DJA**

31 **JOINT STIPULATION AND ORDER**
 32 **TO EXTEND DISCOVERY**
 33 **DEADLINES**

34 **(FIRST REQUEST)**

35 Plaintiffs, the Boards of Trustees of the Construction Industry and Laborers Health
 36 and Welfare Trust, the Construction Industry and Laborers Joint Pension Trust, the
 37 Construction Industry and Laborers Vacation Trust, the Southern Nevada Laborers Local
 38 872 Training Trust (collectively referred to as “Trust Funds”), and Defendant The Tiberti
 39 Company LLC (“Tiberti”), through their respective counsels of record, hereby stipulate to extend
 40

1 the current discovery deadlines by ninety (90) days, pursuant to Local Rule IA 6-1 and 6-2, and
2 Local Rule 26-3, as follows:

3 **A. DISCOVERY COMPLETED TO DATE:**

4 1. On September 24, 2024, the first day discovery opened, Tiberti served its first set
5 of interrogatories and requests for production.

6 2. On October 16, 2024, the Trust Funds served their first set of interrogatories,
7 requests for production and requests for admissions..

8 3. On October 18, 2024, the Trust Funds and Tiberti served their initial disclosures.

9 4. On November 7, 2024, the Trust Funds served responses to Tiberti's requests for
10 production and interrogatories. The Trust Funds also served a supplemental disclosure.

11 5. On December 3, 2024, Tiberti served responses to the Trust Funds' first set of
12 interrogatories, requests for production and requests for admissions. Tiberti also served a
13 supplemental disclosure.

14 6. On December 19, 2024, the Trust Funds' counsel served a 20-page letter
15 addressing Tiberti's discovery responses and requested a meet and confer with Tiberti's counsel.
16 The Trust Funds also disclosed a privilege log and served a notice of intent to serve a subpoena
17 on Berry & Co. CPA's, the Trust Funds' auditor, and proceeded to serve the subpoena.

18 7. On January 10, 2025, the parties held a meet and confer, in which Tiberti agreed to
19 supplement certain documents and information.

20 8. On January 17, 2025, the Trust Funds served a notice of intent to serve a notice
21 of intent to serve subpoenas on the following entities and proceeded to serve those subpoenas:

- 22 a. APCO Construction;
- 23 b. Better Building Systems;
- 24 c. CG&B Enterprises, Inc.;
- 25 d. Core West, Inc. dba Core Construction;
- 26 e. Discovery Property Company, LLC;
- 27 f. Fisher Sand & Gravel Co.;
- 28 g. Las Vegas Paving Corporation);

- 1 h. Parkway Construction & Associates;
- 2 i. Perk Construction, LLC;
- 3 j. Rafael Construction, Inc.;
- 4 k. Roche Constructors, Inc.;
- 5 l. Sletten Construction;
- 6 m. Summit Line Construction, Inc.;
- 7 n. Tab Contractors, Inc.;
- 8 o. Tand, Inc.;
- 9 p. W.A. Richardson Buildings, Inc.; and,
- 10 q. William Charles Construction Company.

11 8. The responses of the various entities that the Trust Funds have served subpoenas
12 on have been mixed, consisting of timely and full productions, deficient productions, requests for
13 extensions and refusals to respond.

14 9. On January 24, 2025, Tiberti served a privilege log.

15 10. On January 31, 2025, Tiberti served supplemental responses to the Trust Funds'
16 interrogatories and requests for production, comprising some of the supplemental documents and
17 information that Tiberti agreed to produce on the parties' meet and confer. Tiberti also served a
18 supplemental disclosure.

19 **B. DISCOVERY THAT REMAINS TO BE COMPLETED:**

20 The Trust Funds and Tiberti still need to conduct depositions of relevant witnesses,
21 including the person(s) most knowledgeable of the parties pursuant to Federal Rule of Civil
22 Procedure 30(b)(6) and possible third-party depositions. Tiberti is also providing supplemental
23 responses to the Trust Funds' discovery requests and a supplemental disclosure, as agreed in the
24 parties' meet and confer. The parties also may need to serve additional discovery requests,
25 depending on the documents yet to be disclosed by the parties or through third-party subpoenas.
26 Moreover, while the Trust Funds have dutifully interacted with the subpoenaed entities and are
27 pursuing subpoena responses, the Trust Funds still need to obtain proper responses from roughly
28 a quarter of the entities. Relatedly, the Trust Funds need to provide a supplemental disclosure

1 consisting of the various subpoena responses.

2 **C. REASON DISCOVERY WAS NOT COMPLETED:**

3 Pursuant to LR 26-3(c), the parties describe why they have good cause for a 90-day
4 extension to conduct this remaining discovery:

5 As shown above, the parties have been very diligent in their discovery efforts, with Tiberti
6 serving discovery requests on the very first day of the discovery period, the Trust Funds
7 disclosing thousands of pages of documents, the issuance of multiple subpoenas and the parties
8 working to resolve discovery disputes. Despite this diligence, however, additional discovery is
9 required due to the delay caused by the various outstanding subpoena responses, the
10 supplementing of discovery responses and the inevitable slowdown of the holiday season.

11 Moreover, Tiberti very recently substituted counsel in this matter, substituting in Justin
12 Shiroff from Jackson Lewis P.C. (See ECF No. 14, filed Feb. 7, 2025.) The undersigned counsel
13 and Mr. Shiroff have had initial conversations and agreed on this request for extension of
14 deadlines, but still need to coordinate logistics to complete the remaining discovery, which will
15 also take additional time. Given all of this, the parties submit that these facts and circumstances
16 provide good cause for a ninety (90) day extension of the remaining discovery deadlines.

17 **D. CURRENT DISCOVERY SCHEDULE:**

- 18 1. Discovery Cutoff March 10, 2025
- 19 2. Dispositive Motion Cutoff: April 9, 2025
- 20 3. Pretrial Order Cutoff: May 9, 2025

21 **E. PROPOSED DISCOVERY SCHEDULE:**

- 22 1. New Discovery Cutoff: June 9, 2025
- 23 2. New Dispositive Motion Cutoff: July 8, 2025
- 24 3. New Pretrial Order Cutoff: August 7, 2025

4. In the event dispositive motion(s) are filed, the date for filing the joint pretrial order shall be suspended until 30 days after the Court enters a ruling on the dispositive motions, or otherwise by further order of the Court.

Dated: February 11, 2025.

JACKSON LEWIS P.C.

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/s/ Justin A. Shiroff

/s/ Christopher M. Humes

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Attorneys for Defendant

ORDER

IT IS SO ORDERED.

[Handwritten signature]

UNITED STATES MAGISTRATE JUDGE

DATED: 2/12/2025

Case No. 2:24-cv-01461-RFB-DJA